



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3421

Introduced 2/14/2014, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15
325 ILCS 5/4

Amends the Civil Administrative Code of Illinois. Requires the Department of Financial and Professional Regulation to give continuing education credit for mandated reporter training to any person who holds a professional license issued by the Department and who is required under the Abused and Neglected Child Reporting Act to complete mandated reporter training by a provider or agency with expertise in recognizing and reporting child abuse. Grants the Department rulemaking authority to implement this provision. Amends the Abused and Neglected Child Reporting Act. Provides that within one year of initial employment and at least every 5 years thereafter, any person who is employed in a profession or occupation licensed by the Department of Financial and Professional Regulation and who is required to report child abuse as provided under the Abused and Neglected Child Reporting Act must complete mandated reporter training by a provider or agency with expertise in recognizing and reporting child abuse.

LRB098 17353 KTG 55094 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Civil Administrative Code of Illinois is
5 amended by adding Section 2105-15 2105-31 as follows:

6 (20 ILCS 2105/2105-15)

7 Sec. 2105-15. General powers and duties.

8 (a) The Department has, subject to the provisions of the
9 Civil Administrative Code of Illinois, the following powers and
10 duties:

11 (1) To authorize examinations in English to ascertain
12 the qualifications and fitness of applicants to exercise
13 the profession, trade, or occupation for which the
14 examination is held.

15 (2) To prescribe rules and regulations for a fair and
16 wholly impartial method of examination of candidates to
17 exercise the respective professions, trades, or
18 occupations.

19 (3) To pass upon the qualifications of applicants for
20 licenses, certificates, and authorities, whether by
21 examination, by reciprocity, or by endorsement.

22 (4) To prescribe rules and regulations defining, for
23 the respective professions, trades, and occupations, what

1 shall constitute a school, college, or university, or
2 department of a university, or other institution,
3 reputable and in good standing, and to determine the
4 reputability and good standing of a school, college, or
5 university, or department of a university, or other
6 institution, reputable and in good standing, by reference
7 to a compliance with those rules and regulations; provided,
8 that no school, college, or university, or department of a
9 university, or other institution that refuses admittance
10 to applicants solely on account of race, color, creed, sex,
11 or national origin shall be considered reputable and in
12 good standing.

13 (5) To conduct hearings on proceedings to revoke,
14 suspend, refuse to renew, place on probationary status, or
15 take other disciplinary action as authorized in any
16 licensing Act administered by the Department with regard to
17 licenses, certificates, or authorities of persons
18 exercising the respective professions, trades, or
19 occupations and to revoke, suspend, refuse to renew, place
20 on probationary status, or take other disciplinary action
21 as authorized in any licensing Act administered by the
22 Department with regard to those licenses, certificates, or
23 authorities. The Department shall issue a monthly
24 disciplinary report. The Department shall deny any license
25 or renewal authorized by the Civil Administrative Code of
26 Illinois to any person who has defaulted on an educational

1 loan or scholarship provided by or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State; however, the Department may issue a
4 license or renewal if the aforementioned persons have
5 established a satisfactory repayment record as determined
6 by the Illinois Student Assistance Commission or other
7 appropriate governmental agency of this State.
8 Additionally, beginning June 1, 1996, any license issued by
9 the Department may be suspended or revoked if the
10 Department, after the opportunity for a hearing under the
11 appropriate licensing Act, finds that the licensee has
12 failed to make satisfactory repayment to the Illinois
13 Student Assistance Commission for a delinquent or
14 defaulted loan. For the purposes of this Section,
15 "satisfactory repayment record" shall be defined by rule.
16 The Department shall refuse to issue or renew a license to,
17 or shall suspend or revoke a license of, any person who,
18 after receiving notice, fails to comply with a subpoena or
19 warrant relating to a paternity or child support
20 proceeding. However, the Department may issue a license or
21 renewal upon compliance with the subpoena or warrant.

22 The Department, without further process or hearings,
23 shall revoke, suspend, or deny any license or renewal
24 authorized by the Civil Administrative Code of Illinois to
25 a person who is certified by the Department of Healthcare
26 and Family Services (formerly Illinois Department of

1 Public Aid) as being more than 30 days delinquent in
2 complying with a child support order or who is certified by
3 a court as being in violation of the Non-Support Punishment
4 Act for more than 60 days. The Department may, however,
5 issue a license or renewal if the person has established a
6 satisfactory repayment record as determined by the
7 Department of Healthcare and Family Services (formerly
8 Illinois Department of Public Aid) or if the person is
9 determined by the court to be in compliance with the
10 Non-Support Punishment Act. The Department may implement
11 this paragraph as added by Public Act 89-6 through the use
12 of emergency rules in accordance with Section 5-45 of the
13 Illinois Administrative Procedure Act. For purposes of the
14 Illinois Administrative Procedure Act, the adoption of
15 rules to implement this paragraph shall be considered an
16 emergency and necessary for the public interest, safety,
17 and welfare.

18 (6) To transfer jurisdiction of any realty under the
19 control of the Department to any other department of the
20 State Government or to acquire or accept federal lands when
21 the transfer, acquisition, or acceptance is advantageous
22 to the State and is approved in writing by the Governor.

23 (7) To formulate rules and regulations necessary for
24 the enforcement of any Act administered by the Department.

25 (8) To exchange with the Department of Healthcare and
26 Family Services information that may be necessary for the

1 enforcement of child support orders entered pursuant to the
2 Illinois Public Aid Code, the Illinois Marriage and
3 Dissolution of Marriage Act, the Non-Support of Spouse and
4 Children Act, the Non-Support Punishment Act, the Revised
5 Uniform Reciprocal Enforcement of Support Act, the Uniform
6 Interstate Family Support Act, or the Illinois Parentage
7 Act of 1984. Notwithstanding any provisions in this Code to
8 the contrary, the Department of Professional Regulation
9 shall not be liable under any federal or State law to any
10 person for any disclosure of information to the Department
11 of Healthcare and Family Services (formerly Illinois
12 Department of Public Aid) under this paragraph (8) or for
13 any other action taken in good faith to comply with the
14 requirements of this paragraph (8).

15 (8.5) To give continuing education credit for mandated
16 reporter training to any person who holds a professional
17 license issued by the Department and who is required under
18 the Abused and Neglected Child Reporting Act to complete
19 mandated reporter training by a provider or agency with
20 expertise in recognizing and reporting child abuse. The
21 Department shall adopt any rules necessary to implement
22 this paragraph.

23 (9) To perform other duties prescribed by law.

24 (a-5) Except in cases involving default on an educational
25 loan or scholarship provided by or guaranteed by the Illinois
26 Student Assistance Commission or any governmental agency of

1 this State or in cases involving delinquency in complying with
2 a child support order or violation of the Non-Support
3 Punishment Act, no person or entity whose license, certificate,
4 or authority has been revoked as authorized in any licensing
5 Act administered by the Department may apply for restoration of
6 that license, certification, or authority until 3 years after
7 the effective date of the revocation.

8 (b) The Department may, when a fee is payable to the
9 Department for a wall certificate of registration provided by
10 the Department of Central Management Services, require that
11 portion of the payment for printing and distribution costs be
12 made directly or through the Department to the Department of
13 Central Management Services for deposit into the Paper and
14 Printing Revolving Fund. The remainder shall be deposited into
15 the General Revenue Fund.

16 (c) For the purpose of securing and preparing evidence, and
17 for the purchase of controlled substances, professional
18 services, and equipment necessary for enforcement activities,
19 recoupment of investigative costs, and other activities
20 directed at suppressing the misuse and abuse of controlled
21 substances, including those activities set forth in Sections
22 504 and 508 of the Illinois Controlled Substances Act, the
23 Director and agents appointed and authorized by the Director
24 may expend sums from the Professional Regulation Evidence Fund
25 that the Director deems necessary from the amounts appropriated
26 for that purpose. Those sums may be advanced to the agent when

1 the Director deems that procedure to be in the public interest.
2 Sums for the purchase of controlled substances, professional
3 services, and equipment necessary for enforcement activities
4 and other activities as set forth in this Section shall be
5 advanced to the agent who is to make the purchase from the
6 Professional Regulation Evidence Fund on vouchers signed by the
7 Director. The Director and those agents are authorized to
8 maintain one or more commercial checking accounts with any
9 State banking corporation or corporations organized under or
10 subject to the Illinois Banking Act for the deposit and
11 withdrawal of moneys to be used for the purposes set forth in
12 this Section; provided, that no check may be written nor any
13 withdrawal made from any such account except upon the written
14 signatures of 2 persons designated by the Director to write
15 those checks and make those withdrawals. Vouchers for those
16 expenditures must be signed by the Director. All such
17 expenditures shall be audited by the Director, and the audit
18 shall be submitted to the Department of Central Management
19 Services for approval.

20 (d) Whenever the Department is authorized or required by
21 law to consider some aspect of criminal history record
22 information for the purpose of carrying out its statutory
23 powers and responsibilities, then, upon request and payment of
24 fees in conformance with the requirements of Section 2605-400
25 of the Department of State Police Law (20 ILCS 2605/2605-400),
26 the Department of State Police is authorized to furnish,

1 pursuant to positive identification, the information contained
2 in State files that is necessary to fulfill the request.

3 (e) The provisions of this Section do not apply to private
4 business and vocational schools as defined by Section 15 of the
5 Private Business and Vocational Schools Act of 2012.

6 (f) Beginning July 1, 1995, this Section does not apply to
7 those professions, trades, and occupations licensed under the
8 Real Estate License Act of 2000, nor does it apply to any
9 permits, certificates, or other authorizations to do business
10 provided for in the Land Sales Registration Act of 1989 or the
11 Illinois Real Estate Time-Share Act.

12 (g) Notwithstanding anything that may appear in any
13 individual licensing statute or administrative rule, the
14 Department shall deny any license application or renewal
15 authorized under any licensing Act administered by the
16 Department to any person who has failed to file a return, or to
17 pay the tax, penalty, or interest shown in a filed return, or
18 to pay any final assessment of tax, penalty, or interest, as
19 required by any tax Act administered by the Illinois Department
20 of Revenue, until such time as the requirement of any such tax
21 Act are satisfied; however, the Department may issue a license
22 or renewal if the person has established a satisfactory
23 repayment record as determined by the Illinois Department of
24 Revenue. For the purpose of this Section, "satisfactory
25 repayment record" shall be defined by rule.

26 In addition, a complaint filed with the Department by the

1 Illinois Department of Revenue that includes a certification,
2 signed by its Director or designee, attesting to the amount of
3 the unpaid tax liability or the years for which a return was
4 not filed, or both, is prima facie ~~facia~~ evidence of the
5 licensee's failure to comply with the tax laws administered by
6 the Illinois Department of Revenue. Upon receipt of that
7 certification, the Department shall, without a hearing,
8 immediately suspend all licenses held by the licensee.
9 Enforcement of the Department's order shall be stayed for 60
10 days. The Department shall provide notice of the suspension to
11 the licensee by mailing a copy of the Department's order by
12 certified and regular mail to the licensee's last known address
13 as registered with the Department. The notice shall advise the
14 licensee that the suspension shall be effective 60 days after
15 the issuance of the Department's order unless the Department
16 receives, from the licensee, a request for a hearing before the
17 Department to dispute the matters contained in the order.

18 Any suspension imposed under this subsection (g) shall be
19 terminated by the Department upon notification from the
20 Illinois Department of Revenue that the licensee is in
21 compliance with all tax laws administered by the Illinois
22 Department of Revenue.

23 The Department shall promulgate rules for the
24 administration of this subsection (g).

25 (h) The Department may grant the title "Retired", to be
26 used immediately adjacent to the title of a profession

1 regulated by the Department, to eligible retirees. The use of
2 the title "Retired" shall not constitute representation of
3 current licensure, registration, or certification. Any person
4 without an active license, registration, or certificate in a
5 profession that requires licensure, registration, or
6 certification shall not be permitted to practice that
7 profession.

8 (i) Within 180 days after December 23, 2009 (the effective
9 date of Public Act 96-852), the Department shall promulgate
10 rules which permit a person with a criminal record, who seeks a
11 license or certificate in an occupation for which a criminal
12 record is not expressly a per se bar, to apply to the
13 Department for a non-binding, advisory opinion to be provided
14 by the Board or body with the authority to issue the license or
15 certificate as to whether his or her criminal record would bar
16 the individual from the licensure or certification sought,
17 should the individual meet all other licensure requirements
18 including, but not limited to, the successful completion of the
19 relevant examinations.

20 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;
21 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12; revised 9-9-13.)

22 Section 10. The Abused and Neglected Child Reporting Act is
23 amended by changing Section 4 as follows:

24 (325 ILCS 5/4)

1 (Text of Section before amendment by P.A. 98-408)

2 Sec. 4. Persons required to report; privileged
3 communications; transmitting false report. Any physician,
4 resident, intern, hospital, hospital administrator and
5 personnel engaged in examination, care and treatment of
6 persons, surgeon, dentist, dentist hygienist, osteopath,
7 chiropractor, podiatric physician, physician assistant,
8 substance abuse treatment personnel, funeral home director or
9 employee, coroner, medical examiner, emergency medical
10 technician, acupuncturist, crisis line or hotline personnel,
11 school personnel (including administrators and both certified
12 and non-certified school employees), personnel of institutions
13 of higher education, educational advocate assigned to a child
14 pursuant to the School Code, member of a school board or the
15 Chicago Board of Education or the governing body of a private
16 school (but only to the extent required in accordance with
17 other provisions of this Section expressly concerning the duty
18 of school board members to report suspected child abuse),
19 truant officers, social worker, social services administrator,
20 domestic violence program personnel, registered nurse,
21 licensed practical nurse, genetic counselor, respiratory care
22 practitioner, advanced practice nurse, home health aide,
23 director or staff assistant of a nursery school or a child day
24 care center, recreational or athletic program or facility
25 personnel, early intervention provider as defined in the Early
26 Intervention Services System Act, law enforcement officer,

1 licensed professional counselor, licensed clinical
2 professional counselor, registered psychologist and assistants
3 working under the direct supervision of a psychologist,
4 psychiatrist, or field personnel of the Department of
5 Healthcare and Family Services, Juvenile Justice, Public
6 Health, Human Services (acting as successor to the Department
7 of Mental Health and Developmental Disabilities,
8 Rehabilitation Services, or Public Aid), Corrections, Human
9 Rights, or Children and Family Services, supervisor and
10 administrator of general assistance under the Illinois Public
11 Aid Code, probation officer, animal control officer or Illinois
12 Department of Agriculture Bureau of Animal Health and Welfare
13 field investigator, or any other foster parent, homemaker or
14 child care worker having reasonable cause to believe a child
15 known to them in their professional or official capacity may be
16 an abused child or a neglected child shall immediately report
17 or cause a report to be made to the Department.

18 Any member of the clergy having reasonable cause to believe
19 that a child known to that member of the clergy in his or her
20 professional capacity may be an abused child as defined in item
21 (c) of the definition of "abused child" in Section 3 of this
22 Act shall immediately report or cause a report to be made to
23 the Department.

24 Any physician, physician's assistant, registered nurse,
25 licensed practical nurse, medical technician, certified
26 nursing assistant, social worker, or licensed professional

1 counselor of any office, clinic, or any other physical location
2 that provides abortions, abortion referrals, or contraceptives
3 having reasonable cause to believe a child known to him or her
4 in his or her professional or official capacity may be an
5 abused child or a neglected child shall immediately report or
6 cause a report to be made to the Department.

7 If an allegation is raised to a school board member during
8 the course of an open or closed school board meeting that a
9 child who is enrolled in the school district of which he or she
10 is a board member is an abused child as defined in Section 3 of
11 this Act, the member shall direct or cause the school board to
12 direct the superintendent of the school district or other
13 equivalent school administrator to comply with the
14 requirements of this Act concerning the reporting of child
15 abuse. For purposes of this paragraph, a school board member is
16 granted the authority in his or her individual capacity to
17 direct the superintendent of the school district or other
18 equivalent school administrator to comply with the
19 requirements of this Act concerning the reporting of child
20 abuse.

21 Notwithstanding any other provision of this Act, if an
22 employee of a school district has made a report or caused a
23 report to be made to the Department under this Act involving
24 the conduct of a current or former employee of the school
25 district and a request is made by another school district for
26 the provision of information concerning the job performance or

1 qualifications of the current or former employee because he or
2 she is an applicant for employment with the requesting school
3 district, the general superintendent of the school district to
4 which the request is being made must disclose to the requesting
5 school district the fact that an employee of the school
6 district has made a report involving the conduct of the
7 applicant or caused a report to be made to the Department, as
8 required under this Act. Only the fact that an employee of the
9 school district has made a report involving the conduct of the
10 applicant or caused a report to be made to the Department may
11 be disclosed by the general superintendent of the school
12 district to which the request for information concerning the
13 applicant is made, and this fact may be disclosed only in cases
14 where the employee and the general superintendent have not been
15 informed by the Department that the allegations were unfounded.
16 An employee of a school district who is or has been the subject
17 of a report made pursuant to this Act during his or her
18 employment with the school district must be informed by that
19 school district that if he or she applies for employment with
20 another school district, the general superintendent of the
21 former school district, upon the request of the school district
22 to which the employee applies, shall notify that requesting
23 school district that the employee is or was the subject of such
24 a report.

25 Whenever such person is required to report under this Act
26 in his capacity as a member of the staff of a medical or other

1 public or private institution, school, facility or agency, or
2 as a member of the clergy, he shall make report immediately to
3 the Department in accordance with the provisions of this Act
4 and may also notify the person in charge of such institution,
5 school, facility or agency, or church, synagogue, temple,
6 mosque, or other religious institution, or his designated agent
7 that such report has been made. Under no circumstances shall
8 any person in charge of such institution, school, facility or
9 agency, or church, synagogue, temple, mosque, or other
10 religious institution, or his designated agent to whom such
11 notification has been made, exercise any control, restraint,
12 modification or other change in the report or the forwarding of
13 such report to the Department.

14 The privileged quality of communication between any
15 professional person required to report and his patient or
16 client shall not apply to situations involving abused or
17 neglected children and shall not constitute grounds for failure
18 to report as required by this Act or constitute grounds for
19 failure to share information or documents with the Department
20 during the course of a child abuse or neglect investigation. If
21 requested by the professional, the Department shall confirm in
22 writing that the information or documents disclosed by the
23 professional were gathered in the course of a child abuse or
24 neglect investigation.

25 The reporting requirements of this Act shall not apply to
26 the contents of a privileged communication between an attorney

1 and his or her client or to confidential information within the
2 meaning of Rule 1.6 of the Illinois Rules of Professional
3 Conduct relating to the legal representation of an individual
4 client.

5 A member of the clergy may claim the privilege under
6 Section 8-803 of the Code of Civil Procedure.

7 Any office, clinic, or any other physical location that
8 provides abortions, abortion referrals, or contraceptives
9 shall provide to all office personnel copies of written
10 information and training materials about abuse and neglect and
11 the requirements of this Act that are provided to employees of
12 the office, clinic, or physical location who are required to
13 make reports to the Department under this Act, and instruct
14 such office personnel to bring to the attention of an employee
15 of the office, clinic, or physical location who is required to
16 make reports to the Department under this Act any reasonable
17 suspicion that a child known to him or her in his or her
18 professional or official capacity may be an abused child or a
19 neglected child. In addition to the above persons required to
20 report suspected cases of abused or neglected children, any
21 other person may make a report if such person has reasonable
22 cause to believe a child may be an abused child or a neglected
23 child.

24 Any person who enters into employment on and after July 1,
25 1986 and is mandated by virtue of that employment to report
26 under this Act, shall sign a statement on a form prescribed by

1 the Department, to the effect that the employee has knowledge
2 and understanding of the reporting requirements of this Act.
3 The statement shall be signed prior to commencement of the
4 employment. The signed statement shall be retained by the
5 employer. The cost of printing, distribution, and filing of the
6 statement shall be borne by the employer.

7 Within one year of initial employment and at least every 5
8 years thereafter, any person who is employed in a profession or
9 occupation licensed by the Department of Financial and
10 Professional Regulation and who is required to report child
11 abuse as provided under this Section must complete mandated
12 reporter training by a provider or agency with expertise in
13 recognizing and reporting child abuse.

14 The Department shall provide copies of this Act, upon
15 request, to all employers employing persons who shall be
16 required under the provisions of this Section to report under
17 this Act.

18 Any person who knowingly transmits a false report to the
19 Department commits the offense of disorderly conduct under
20 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
21 A violation of this provision is a Class 4 felony.

22 Any person who knowingly and willfully violates any
23 provision of this Section other than a second or subsequent
24 violation of transmitting a false report as described in the
25 preceding paragraph, is guilty of a Class A misdemeanor for a
26 first violation and a Class 4 felony for a second or subsequent

1 violation; except that if the person acted as part of a plan or
2 scheme having as its object the prevention of discovery of an
3 abused or neglected child by lawful authorities for the purpose
4 of protecting or insulating any person or entity from arrest or
5 prosecution, the person is guilty of a Class 4 felony for a
6 first offense and a Class 3 felony for a second or subsequent
7 offense (regardless of whether the second or subsequent offense
8 involves any of the same facts or persons as the first or other
9 prior offense).

10 A child whose parent, guardian or custodian in good faith
11 selects and depends upon spiritual means through prayer alone
12 for the treatment or cure of disease or remedial care may be
13 considered neglected or abused, but not for the sole reason
14 that his parent, guardian or custodian accepts and practices
15 such beliefs.

16 A child shall not be considered neglected or abused solely
17 because the child is not attending school in accordance with
18 the requirements of Article 26 of the School Code, as amended.

19 Nothing in this Act prohibits a mandated reporter who
20 reasonably believes that an animal is being abused or neglected
21 in violation of the Humane Care for Animals Act from reporting
22 animal abuse or neglect to the Department of Agriculture's
23 Bureau of Animal Health and Welfare.

24 A home rule unit may not regulate the reporting of child
25 abuse or neglect in a manner inconsistent with the provisions
26 of this Section. This Section is a limitation under subsection

1 (i) of Section 6 of Article VII of the Illinois Constitution on
2 the concurrent exercise by home rule units of powers and
3 functions exercised by the State.

4 For purposes of this Section "child abuse or neglect"
5 includes abuse or neglect of an adult resident as defined in
6 this Act.

7 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;
8 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.
9 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,
10 eff. 8-9-13; revised 9-19-13.)

11 (Text of Section after amendment by P.A. 98-408)

12 Sec. 4. Persons required to report; privileged
13 communications; transmitting false report. Any physician,
14 resident, intern, hospital, hospital administrator and
15 personnel engaged in examination, care and treatment of
16 persons, surgeon, dentist, dentist hygienist, osteopath,
17 chiropractor, podiatric physician, physician assistant,
18 substance abuse treatment personnel, funeral home director or
19 employee, coroner, medical examiner, emergency medical
20 technician, acupuncturist, crisis line or hotline personnel,
21 school personnel (including administrators and both certified
22 and non-certified school employees), personnel of institutions
23 of higher education, educational advocate assigned to a child
24 pursuant to the School Code, member of a school board or the
25 Chicago Board of Education or the governing body of a private

1 school (but only to the extent required in accordance with
2 other provisions of this Section expressly concerning the duty
3 of school board members to report suspected child abuse),
4 truant officers, social worker, social services administrator,
5 domestic violence program personnel, registered nurse,
6 licensed practical nurse, genetic counselor, respiratory care
7 practitioner, advanced practice nurse, home health aide,
8 director or staff assistant of a nursery school or a child day
9 care center, recreational or athletic program or facility
10 personnel, early intervention provider as defined in the Early
11 Intervention Services System Act, law enforcement officer,
12 licensed professional counselor, licensed clinical
13 professional counselor, registered psychologist and assistants
14 working under the direct supervision of a psychologist,
15 psychiatrist, or field personnel of the Department of
16 Healthcare and Family Services, Juvenile Justice, Public
17 Health, Human Services (acting as successor to the Department
18 of Mental Health and Developmental Disabilities,
19 Rehabilitation Services, or Public Aid), Corrections, Human
20 Rights, or Children and Family Services, supervisor and
21 administrator of general assistance under the Illinois Public
22 Aid Code, probation officer, animal control officer or Illinois
23 Department of Agriculture Bureau of Animal Health and Welfare
24 field investigator, or any other foster parent, homemaker or
25 child care worker having reasonable cause to believe a child
26 known to them in their professional or official capacity may be

1 an abused child or a neglected child shall immediately report
2 or cause a report to be made to the Department.

3 Any member of the clergy having reasonable cause to believe
4 that a child known to that member of the clergy in his or her
5 professional capacity may be an abused child as defined in item
6 (c) of the definition of "abused child" in Section 3 of this
7 Act shall immediately report or cause a report to be made to
8 the Department.

9 Any physician, physician's assistant, registered nurse,
10 licensed practical nurse, medical technician, certified
11 nursing assistant, social worker, or licensed professional
12 counselor of any office, clinic, or any other physical location
13 that provides abortions, abortion referrals, or contraceptives
14 having reasonable cause to believe a child known to him or her
15 in his or her professional or official capacity may be an
16 abused child or a neglected child shall immediately report or
17 cause a report to be made to the Department.

18 If an allegation is raised to a school board member during
19 the course of an open or closed school board meeting that a
20 child who is enrolled in the school district of which he or she
21 is a board member is an abused child as defined in Section 3 of
22 this Act, the member shall direct or cause the school board to
23 direct the superintendent of the school district or other
24 equivalent school administrator to comply with the
25 requirements of this Act concerning the reporting of child
26 abuse. For purposes of this paragraph, a school board member is

1 granted the authority in his or her individual capacity to
2 direct the superintendent of the school district or other
3 equivalent school administrator to comply with the
4 requirements of this Act concerning the reporting of child
5 abuse.

6 Notwithstanding any other provision of this Act, if an
7 employee of a school district has made a report or caused a
8 report to be made to the Department under this Act involving
9 the conduct of a current or former employee of the school
10 district and a request is made by another school district for
11 the provision of information concerning the job performance or
12 qualifications of the current or former employee because he or
13 she is an applicant for employment with the requesting school
14 district, the general superintendent of the school district to
15 which the request is being made must disclose to the requesting
16 school district the fact that an employee of the school
17 district has made a report involving the conduct of the
18 applicant or caused a report to be made to the Department, as
19 required under this Act. Only the fact that an employee of the
20 school district has made a report involving the conduct of the
21 applicant or caused a report to be made to the Department may
22 be disclosed by the general superintendent of the school
23 district to which the request for information concerning the
24 applicant is made, and this fact may be disclosed only in cases
25 where the employee and the general superintendent have not been
26 informed by the Department that the allegations were unfounded.

1 An employee of a school district who is or has been the subject
2 of a report made pursuant to this Act during his or her
3 employment with the school district must be informed by that
4 school district that if he or she applies for employment with
5 another school district, the general superintendent of the
6 former school district, upon the request of the school district
7 to which the employee applies, shall notify that requesting
8 school district that the employee is or was the subject of such
9 a report.

10 Whenever such person is required to report under this Act
11 in his capacity as a member of the staff of a medical or other
12 public or private institution, school, facility or agency, or
13 as a member of the clergy, he shall make report immediately to
14 the Department in accordance with the provisions of this Act
15 and may also notify the person in charge of such institution,
16 school, facility or agency, or church, synagogue, temple,
17 mosque, or other religious institution, or his designated agent
18 that such report has been made. Under no circumstances shall
19 any person in charge of such institution, school, facility or
20 agency, or church, synagogue, temple, mosque, or other
21 religious institution, or his designated agent to whom such
22 notification has been made, exercise any control, restraint,
23 modification or other change in the report or the forwarding of
24 such report to the Department.

25 The privileged quality of communication between any
26 professional person required to report and his patient or

1 client shall not apply to situations involving abused or
2 neglected children and shall not constitute grounds for failure
3 to report as required by this Act or constitute grounds for
4 failure to share information or documents with the Department
5 during the course of a child abuse or neglect investigation. If
6 requested by the professional, the Department shall confirm in
7 writing that the information or documents disclosed by the
8 professional were gathered in the course of a child abuse or
9 neglect investigation.

10 The reporting requirements of this Act shall not apply to
11 the contents of a privileged communication between an attorney
12 and his or her client or to confidential information within the
13 meaning of Rule 1.6 of the Illinois Rules of Professional
14 Conduct relating to the legal representation of an individual
15 client.

16 A member of the clergy may claim the privilege under
17 Section 8-803 of the Code of Civil Procedure.

18 Any office, clinic, or any other physical location that
19 provides abortions, abortion referrals, or contraceptives
20 shall provide to all office personnel copies of written
21 information and training materials about abuse and neglect and
22 the requirements of this Act that are provided to employees of
23 the office, clinic, or physical location who are required to
24 make reports to the Department under this Act, and instruct
25 such office personnel to bring to the attention of an employee
26 of the office, clinic, or physical location who is required to

1 make reports to the Department under this Act any reasonable
2 suspicion that a child known to him or her in his or her
3 professional or official capacity may be an abused child or a
4 neglected child. In addition to the above persons required to
5 report suspected cases of abused or neglected children, any
6 other person may make a report if such person has reasonable
7 cause to believe a child may be an abused child or a neglected
8 child.

9 Any person who enters into employment on and after July 1,
10 1986 and is mandated by virtue of that employment to report
11 under this Act, shall sign a statement on a form prescribed by
12 the Department, to the effect that the employee has knowledge
13 and understanding of the reporting requirements of this Act.
14 The statement shall be signed prior to commencement of the
15 employment. The signed statement shall be retained by the
16 employer. The cost of printing, distribution, and filing of the
17 statement shall be borne by the employer.

18 Within one year of initial employment and at least every 5
19 years thereafter, school personnel required to report child
20 abuse as provided under this Section must complete mandated
21 reporter training by a provider or agency with expertise in
22 recognizing and reporting child abuse.

23 Within one year of initial employment and at least every 5
24 years thereafter, any person who is employed in a profession or
25 occupation licensed by the Department of Financial and
26 Professional Regulation and who is required to report child

1 abuse as provided under this Section must complete mandated
2 reporter training by a provider or agency with expertise in
3 recognizing and reporting child abuse.

4 The Department shall provide copies of this Act, upon
5 request, to all employers employing persons who shall be
6 required under the provisions of this Section to report under
7 this Act.

8 Any person who knowingly transmits a false report to the
9 Department commits the offense of disorderly conduct under
10 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.
11 A violation of this provision is a Class 4 felony.

12 Any person who knowingly and willfully violates any
13 provision of this Section other than a second or subsequent
14 violation of transmitting a false report as described in the
15 preceding paragraph, is guilty of a Class A misdemeanor for a
16 first violation and a Class 4 felony for a second or subsequent
17 violation; except that if the person acted as part of a plan or
18 scheme having as its object the prevention of discovery of an
19 abused or neglected child by lawful authorities for the purpose
20 of protecting or insulating any person or entity from arrest or
21 prosecution, the person is guilty of a Class 4 felony for a
22 first offense and a Class 3 felony for a second or subsequent
23 offense (regardless of whether the second or subsequent offense
24 involves any of the same facts or persons as the first or other
25 prior offense).

26 A child whose parent, guardian or custodian in good faith

1 selects and depends upon spiritual means through prayer alone
2 for the treatment or cure of disease or remedial care may be
3 considered neglected or abused, but not for the sole reason
4 that his parent, guardian or custodian accepts and practices
5 such beliefs.

6 A child shall not be considered neglected or abused solely
7 because the child is not attending school in accordance with
8 the requirements of Article 26 of the School Code, as amended.

9 Nothing in this Act prohibits a mandated reporter who
10 reasonably believes that an animal is being abused or neglected
11 in violation of the Humane Care for Animals Act from reporting
12 animal abuse or neglect to the Department of Agriculture's
13 Bureau of Animal Health and Welfare.

14 A home rule unit may not regulate the reporting of child
15 abuse or neglect in a manner inconsistent with the provisions
16 of this Section. This Section is a limitation under subsection
17 (i) of Section 6 of Article VII of the Illinois Constitution on
18 the concurrent exercise by home rule units of powers and
19 functions exercised by the State.

20 For purposes of this Section "child abuse or neglect"
21 includes abuse or neglect of an adult resident as defined in
22 this Act.

23 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;
24 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.
25 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,
26 eff. 8-9-13; 98-408, eff. 7-1-14; revised 9-19-13.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.